IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.59278-M of 2006

DATE OF DECISION:16.11.2006

Sunil Kumar Sethi .....Petitioner

Versus

State of Haryana .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri G.P. Singh, Advocate
for the petitioner.

Shri M.S. Sindhu, DAG, Haryana.

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The Petitioner apprehending his arrest in a non-bailable offence in case FIR No. 429 dated 13.8.2006 under Sections 498-A/406/507 IPC, registered at Police Station City Rohtak, has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner, inter-alia, contends that the petitioner was always ready and still ready to keep his wife. However, she is adamant not to live with the petitioner. Counsel further contends that the petitioner has already filed a petition under Section 9 of the Hindu Marriage Act and before the said Court also, the complainant showed her unwillingness to accompany the petitioner. Counsel contends that the allegations levelled by the complainant in the FIR are totally false and concocted.

Counsel for the petitioners further contends that in view of the order dated 26.9.2006, the petitioner has joined the investigation. Counsel

for the respondent-State on instructions from ASI Balwan Singh does not dispute this fact and further states that the petitioner is no more required for custodial interrogation.

In view of the above, the interim bail, granted vide order dated 26.9.2006 is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

November 16, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**